

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 17 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 327 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 330 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, February 25, 1925.  
The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Prayer by Dr. Jewett of Austin.  
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

#### Bills and Resolutions.

By Senator Bailey:

S. B. No. 382, A bill to be entitled "An Act to provide for the printing, sale and distribution of the Revised Civil Statutes of 1925; the Penal Code, and Code of Criminal Procedure of 1925; as passed at the Regular Session of the Thirty-ninth Legislature; providing that all officers in Texas who have taken out their commission shall be entitled to a copy of said Revised Civil Statutes, Penal Code and Code of Criminal Procedure for the use and benefit of their respective office; providing that each senator and representative in the Legislature of the State of Texas shall be entitled to a copy each of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure; providing that the State Board of Control shall have printed at the expense of the State ten thousand copies of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure to be bound in law sheep and to be sold at actual cost to the State, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 383, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Harris County, Texas; providing for office and travelling expenses, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bowers:

S. B. No. 384, A bill to be entitled "An Act creating the Mumford Independent School District of Robertson County, Texas, as is included by the field notes as follows: Defining its boundaries, investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the General Law; providing for a board of trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey:

S. B. No. 385, A bill to be entitled "An Act making appropriation out of the State Treasury for compensa-

tion to be paid to owners of livestock for losses suffered to cattle in transit to market in intrastate shipments due to quarantine regulations against the foot and mouth disease upon satisfactory proof made to the State Livestock Sanitary Commission, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Woodward:

S. B. No. 386, A bill to be entitled "An Act to require all public work authorized to be done by the State, or by any county, city or town incorporated under General or Special Law, or school district created by General or Special Law, or authorized to be done under any county or road district law, either general or special, or authorized to be done by any other subdivision or district of the State, or by any public or governing board, body, commission, or board of trustees, in the erection, construction, alteration, extension, repair or ornamentation of any public building, public ground or public works or improvements, or construction, alteration, repair or maintenance of any public road, highway, public ground, bridge, levee, viaduct, subway, drainage ditch or canal, water or sewer system, or any other character of public work to be paid out of funds provided by law or by donation, where the cost of same shall exceed the sum of five thousand dollars, to be done only under contract after competitive bidding; to prescribe the manner of bidding and awarding of contracts for such work; to regulate and prohibit the expenditure of public funds for such work except as provided by this Act, and fixing for a violation thereof; authorizing injunction proceedings by taxpayers to restrain violations hereof; exempting from the provisions of the Act ordinary repair of public highway or streets by day labor when the cost does not exceed four hundred dollars for any one mile per annum, and exempting ordinary maintenance of public buildings and public works and work required to be immediately done in the event of a sudden emergency, caused by fire, a public enemy, or act of God; and repealing all laws in conflict herewith."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 387, A bill to be entitled "An Act to amend Articles 6655, 6657 and 6658, Chapter 15, Title 115, Revised Statutes of Texas, providing that employes designated may hear the evidence adduced at a hearing upon the establishment of rates under said Chapter of Title 115, and for such purpose shall have the power to administer oaths to the witnesses, compel their attendance, and the production of papers, waybills, books, accounts, documents and testimony; that in the event such hearing is had before such employee he shall, if requested by the commission, transmit with a stenographic report of the evidence his findings and recommendations, which may be approved or disapproved by the commission at its discretion, and an order entered by the commission in accordance with its own determination of the issues involved so as to provide that when a railroad company or other party at interest files a suit against the Railroad Commission of Texas by reason of its decision of a rate, classification, rule, charge, order, act or regulation, the court before whom said cause shall be pending shall not issue a writ of injunction temporarily restraining the enforcement of said rate, classification, rule, charge, order, act or regulation except after notice to the commission and opportunity for hearing on the application for said temporary injunction; providing that in the trial of such cause the findings and order of the commission shall be prima facie evidence of the facts therein stated, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 388, A bill to be entitled "An Act amending Article 6676, Chapter 15, Title 115, Revised Statutes so that the provisions of said chapter shall be construed to apply to and affect the transportation of passengers and freight by gasoline or electric motor cars over steam railroads between points within this State; providing that such gasoline or electric motor car shall be deemed a train within the meaning of the requirement that at least one train be run each day, etc.; and providing that if such steam railroads shall

operate a gasoline or electric motor car for transportation of passengers it shall be subject to the requirement that at least one such motor car shall be run every day, Sundays excepted, and to the requirement as to stopping for a time sufficient to receive and let off passengers at such stations as may be designated by the commissioners, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

#### House Bill No. 53.

The Chair laid before the Senate, on third reading.

H. B. No. 53, A bill to be entitled "An Act to amend Article 3691 of the Revised Statutes of the State of Texas, by adding that conviction of a felony shall not disqualify a witness from testifying."

The bill was read third time and passed finally, by the following vote:

#### Yeas—16.

Bledsoe.	Price.
Davis.	Reid.
Fairchild.	Russek.
Moore of Hunt.	Smith.
Moore of Cooke.	Strong.
Parnell.	Triplett.
Parr.	Wirtz.
Pollard.	Wood.

#### Nays—7.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bowers.	Real.
Hardin of Erath.	

#### Absent.

Floyd.	Stuart.
Hardin of Kaufman.	Ward.
Miller.	Witt.
Murphy.	Woodward.

#### House Bill No. 90.

The Chair laid before the Senate, on third reading.

H. B. No. 90, A bill to be entitled "An Act amending Article 5655 and Article 5658, Chapter 7, Title 86, Revised Civil Statutes of Texas, 1911, regarding instruments intended to operate as liens on personal property, and providing for the filing and registration thereof, and the effect of such instruments when not filed for registration, by adding thereto a provision in reference to the filing and registration of transfers of chattel mort-

gages, deeds of trust and other evidences of lien upon personal property."

The bill was read third time and passed finally.

#### House Bill No. 401.

Senator Wood moved that H. B. No. 401 be withdrawn from the printer, the same being a local school bill.

The motion was adopted.

#### House Bill No. 32.

The Chair laid before the Senate, on second reading.

H. B. No. 32, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1925, and declaring an emergency."

The bill was read second time and passed to a third reading.

#### House Bill No. 24.

The Chair laid before the Senate, on second reading.

H. B. No. 24, A bill to be entitled "An Act exempting from taxation institutions or organizations such as the Boy Scouts of America or local organizations of such a boy, and declaring an emergency."

There being an adverse majority committee report, and,

A favorable minority committee report, Senator Bowers moved that the minority committee report be adopted.

Senator Fairchild moved to table the motion to adopt the minority committee report, which motion was lost, by the following vote:

#### Yeas—6.

Davis.	Murphy.
Fairchild.	Strong.
Moore of Cooke.	Wirtz.

#### Nays—20.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Parnell.	Wood.

**Absent.**

Hardin of Kaufman Witt.  
Miller. Woodward.  
Ward.

The minority committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 24 put on its third reading and final passage, by the following vote:

**Yeas—22.**

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Parnell.	Wirtz.
Parr.	Wood.

**Nays—3.**

Fairchild. Murphy.  
Moore of Cooke.

**Absent.**

Hardin of Erath. Ward.  
Hardin of Kaufman Witt.  
Miller. Woodward.

On motion of Senator Wood, the bill was laid on the table subject to call.

**House Bill No. 42.**

The Chair laid before the Senate, on second reading,

H. B. No. 42, A bill to be entitled "An Act to regulate and more definitely prescribe the matter of handling trustees around the penitentiaries and the penitentiary farms, and repeal all laws and parts of laws in conflict with this Act."

The bill was read second time and laid on the table, subject to call, on motion of Senator Murphy.

**House Bill No. 50.**

The Chair laid before the Senate, on second reading,

H. B. No. 50, A bill to be entitled "An Act creating and incorporating the Klondike Independent School District in Dawson County, Texas, out of territory now composing Com-

mon School District No. 26 in said county; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Klondike Independent School District shall assume all the obligations and indebtedness of said Common School District No. 26; vesting title to property of said Common School District No. 26 in Klondike Independent School District; providing for an assessor and collector of taxes thereof, and providing for the election and terms of office of trustees thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 50 put on its third reading and final passage, by the following vote:

**Yeas—30.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

**Absent.**

Miller.

H. B. No. 50 was laid before the Senate, read third time, and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Miller.
Bowers.	Moore of Hunt.
Davis.	Moore of Cooke.
Fairchild.	Murphy.
Floyd.	Parnell.
Hardin of Erath.	Parr.
Hardin of Kaufman	Pollard.

Price.	Triplett.
Real.	Ward.
Reid.	Wirtz.
Russek.	Witt.
Smith.	Wood.
Strong.	Woodward.
Stuart.	

**House Bill No. 57 .**

The Chair laid before the Senate, on second reading,

H. B. No. 57, A bill to be entitled "An Act creating an additional district court for Dallas County; defining its jurisdiction; adjusting the business of the existing district courts to the business thereof; prescribing the duties of the district clerk with respect thereto, and declaring an emergency."

The bill was read second time and passed to a third reading, by the following vote:

**Yeas—16.**

Berkeley.	Reid.
Bledsoe.	Russek.
Davis.	Smith.
Fairchild.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parr.	Wirtz.
Price.	Wood.

**Nays—8.**

Bowers.	Parnell.
Hardin of Kaufman	Pollard.
Lewis.	Real.
Murphy.	Strong.

**Absent.**

Bailey.	Miller.
Floyd.	Witt.
Hardin of Erath.	Woodward.
Holbrook.	

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 57 put on its third reading and final passage, by the following vote:

**Yeas—22.**

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Reid.
Fairchild.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Wood.

**Nays—2.**

Murphy.	Real.
	Absent.
Bailey.	Wirtz.
Floyd.	Witt.
Hardin of Erath.	Woodward.
Miller.	

H. B. No. 57 was laid before the Senate, read third time and passed finally, by the following vote:

**Yeas—21.**

Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Parnell.	

**Nays—4.**

Lewis.	Real.
Murphy.	Strong.

**Absent.**

Bailey.	Pollard.
Floyd.	Witt.
Hardin of Erath.	Woodward.

**House Bill No. 281.**

Senator Wood moved that H. B. No. 281 be not printed, because S. B. No. 288, of the same subject matter, had been printed.

The motion was adopted.

**House Bill No. 94.**

The Chair laid before the Senate, on second reading,

H. B. No. 94, A bill to be entitled "An Act to amend Article 1610, Title 18 of the Penal Code of the State of Texas, relating to the modes of punishment of convicts, fixing punishment for violations thereof, and declaring an emergency."

The bill was read second time, and Senator Lewis offered the following amendment:

Amend H. B. No. 94, page 1, by placing a period after the word "humane" in line 25 and striking out the word "and" in said line, also all of line 26 and the word "prohibited" in line 27.

On motion of Senator Bailey, the bill and amendment was laid on the table subject to call.

**House Bill No. 105.**

The Chair laid before the Senate, on second reading,

H. B. No. 105, A bill to be entitled "An Act creating and incorporating the Hancock Independent School District in Dawson County, Texas, out of territory now composing Common School District No. 27, in said county; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Hancock Independent School District shall assume all the obligations and indebtedness of said Common School District No. 27 in Hancock Independent School District; providing for an assessor and collector of taxes therefor, and providing for a board of equalization of said district; providing for the election and terms of office of trustees thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 105 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 105 was laid before the Senate, read third time, and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Bowers.
Berkeley.	Davis.
Bledsoe.	Fairchild.

Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Russek.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cobke.	Ward.
Murphy.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	Woodward.
Price.	

**House Bill No. 110.**

The Chair laid before the Senate, on second reading,

H. B. No. 110, A bill to be entitled "An Act providing that counties that borrowed money from the State of Texas under the provisions of Section 13, Chapter 4, Acts of the Thirty-fifth Legislature, passed at the Fourth Called Session, may by payment of accrued interest be given an option of five years additional time in which to return the principal, and declaring an emergency."

The bill was read second time, and Senator Bailey moved to recommit the bill to Committee on State Affairs.

The motion was adopted.

**House Bill No. 161.**

The Chair laid before the Senate, on second reading,

H. B. No. 180, A bill to be entitled "An Act amending Article 6267 of the Revised Civil Statutes of 1911 as amended, and amending Chapter 2, Title 105, Revised Civil Statutes of 1911, by inserting therein Article 6267a, said articles relating to pensions; authorizing and directing the collection of the increased amount of taxes under Section 51 of Article 3 of the State Constitution as amended; amending the statutes so as to conform to the purpose and intent and the authority granted in said section of the Constitution as amended; repealing Chapter 86 of the General Laws of the Regular Session of the Thirty-sixth Legislature and all laws and parts of laws in conflict with this Act; providing the rule of construction in event any part of this Act should be held to be invalid, and declaring an emergency."

The bill was read second time and passed to a third reading.

**House Bill No. 161.**

The Chair laid before the Senate, on second reading,

H. B. No. 161, A bill to be entitled "An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations; prohibiting the employment of children under seventeen years of age to labor in certain occupations; prohibiting the sending of children under seventeen years of age to certain places; limiting the hours of labor for children under fifteen years of age; providing for permits to be issued by the county judge for children between the ages of twelve and fifteen years to labor in certain occupations and under certain conditions; requiring employers employing children between the ages of twelve and fifteen to secure and post permits where a child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics, or his deputies or inspectors, free access to all places where children or minors are employed; providing penalties for violations of the Act, and repealing all laws and parts of laws in conflict with the Act, and declaring an emergency."

The bill was read second time, and Senator Bailey offered the following amendment:

Amend H. B. No. 161, Section 5, line 23, on page 4 of printed bill by striking out the word and figure "six (6)" and insert in lieu thereof the word and figures "twelve (12)."

The amendment was read, and Senator Murphy moved to table the same, which motion was lost.

The amendment was then adopted, by the following vote:

**Yeas—16.**

Bailey.	Parr.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Stuart.
Hardin of Kaufman.	Ward.
Holbrook.	Wood.
Lewis.	Woodward.

**Nays—9.**

Bledsoe.	Price.
Moore of Hunt.	Strong.
Moore of Cooke.	Triplett.
Murphy.	Wirtz.
Parnell.	

**Absent.**

Floyd.	Pollard.
Hardin of Erath.	Smith.
Miller.	Witt.

The bill was passed to a third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 161 put on its third reading and final passage, by the following vote:

**Yeas—25.**

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**Absent.**

Floyd.	Pollard.
Hardin of Erath.	Smith.
Miller.	Witt.

H. B. No. 161 was laid before the Senate, read third time, and passed finally.

**House Bill No. 210.**

The Chair laid before the Senate, on second reading,

H. B. No. 210, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Cochran County, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and Senator Bledsoe offered the following two amendments, severally, which were read and adopted:

Amend H. B. No. 210, page 1, Section 1, line 1, by adding after the word "county" the words "and Colorado County."

Amend the caption of H. B. No. 210, line 4, by adding after the word "county" the words "and Colorado County."

The bill was passed to a third reading.

**House Bill No. 401.**

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 401, A bill to be entitled "An Act to create Common County Line School District No. 37, in Williamson and Burnet Counties, Texas, including therein the present Long Grove Common County Line School District No. 37, of Burnet and Williamson Counties, and the Prairie Lee Common School District No. 10, of Williamson County; providing a board of trustees therefor; vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon common county line school districts incorporated under the General Laws of Texas, and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Laws; providing for the validation of all contracts for maintenance of the schools of the districts herein incorporated for the current scholastic year, as the subsisting obligations and acts of the Common County Line School District No. 37 as created by this Act; conferring upon Williamson County jurisdiction over the said district, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 401 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**Absent.**

Floyd.	Pollard.
Hardin of Erath.	Smith.
Miller.	Witt.

H. B. No. 401 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**House Bill No. 212.**

The Chair laid before the Senate, on second reading,

H. B. No. 212, A bill to be entitled "An Act incorporating the Italy Independent School District in Ellis County, Texas, for free school purposes only; defining its boundaries, providing for board of trustees, providing for a treasurer for the funds of said district, and providing for an assessor and collector of taxes of said district; divesting the city of Italy of the control of its public schools and the title to school property and vesting the same in said Italy Independent School District and its board of trustees, and prescribing the rights, privileges and duties of said Italy Independent School District and its board of trustees and officers; authorizing the levying and collection of taxes for said school purposes, and authorizing the right of eminent domain to condemn property for school purposes; authorizing the said independent school district to borrow money without the issuance of bonds; authorizing the said board to be vested with all authority that is vested in board of trustees of independent school districts by the General Laws of the State of Texas, an authorizing them to employ an attorney for the protection of property, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.



On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 212 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 212 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**House Bill No. 217.**

The Chair laid before the Senate, on second reading,

H. B. No. 217, A bill to be entitled "An Act to protect life and limb by requiring safeguarding of all passenger elevators within the State of Texas; providing for approval of safety devices, and fixing a penalty."

The bill was read second time, and Senator Murphy moved to postpone the further consideration of the bill until next Wednesday, which motion was lost, by the following vote:

## Yeas—7.

Davis.	Murphy.
Fairchild.	Triplett.
Hardin of Kaufman.	Wirtz.
Lewis.	

## Nays—17.

Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Holbrook.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Ward.
Parnell.	Wood.
Parr.	Woodward.
Price.	

## Absent.

Bailey.	Pollard.
Floyd.	Smith.
Hardin of Erath.	Witt.
Miller.	

The bill passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read three several days was suspended and H. B. No. 217 put on its third reading and final passage, by the following vote:

## Yeas—22.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Wood.
Parr.	Woodward.

## Nays—3.

Fairchild.	Murphy.
Hardin of Kaufman.	

## Absent.

Floyd.	Pollard.
Hardin of Erath.	Smith.
Miller.	Witt.

H. B. No. 217 was laid before the Senate, read third time, and passed finally.

**House Bill No. 250.**

The Chair laid before the Senate, on second reading,

H. B. No. 250, A bill to be entitled "An Act to amend Article 384 of the Penal Code of the State of Texas, en-

larging the exceptions therein stated so that Article 381 and Article 382 of the Penal Code of the State of Texas, shall not apply to members of the Legislature, who, by reason of physical infirmities, require a personal attendant, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 250 put on its third reading and final passage, by the following vote:

Yeas—22.

Bailey.	Murphy.
Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.

Absent.

Floyd.	Real.
Hardin of Erath.	Smith.
Miller.	Ward.
Pollard.	Witt.
Price.	

H. B. No. 250 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—23.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

Absent.

Floyd.	Real.
Hardin of Erath.	Smith.
Miller.	Ward.
Pollard.	Witt.

#### House Bill No. 293.

The Chair laid before the Senate, on second reading,

H. B. No. 293, A bill to be entitled "An Act to create the Dry Lake Independent School District situated in

Dickens County, Texas; providing for a board of seven trustees, defining the powers of said board of trustees, validating all outstanding indebtedness and providing that said indebtedness shall be assumed by Dry Lake Independent District; validating and continuing in force taxes heretofore levied; vesting the title of certain school property in the board of trustees of the Dry Lake Independent School District; placing the district in all other matters under the provisions of the General Law, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.

#### House Bill No. 294.

The Chair laid before the Senate, on second reading,

H. B. No. 294, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms, repealing all conflicting laws, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 295.

The Chair laid before the Senate, on second reading,

H. B. No. 295, A bill to be entitled "An Act to amend Sections 5, 11 and 13, of Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, and adding thereto new Sections 13a, 13b, 13c, 13d, 13e, 13f, 13g, 13h, 13i, 13j, 13k, 13l, 13m and 13n, as follows: by amending Section 5, prescribing the qualifications, powers and duties of the Texas State Board of Examiners in Optometry, etc."

The bill was read second time and passed to a third reading.

**House Bill No. 271.**

The Chair laid before the Senate, on second reading,

H. B. No. 271, A bill to be entitled "An Act creating a more efficient road system for Bastrop County, Texas, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 271 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 271 was laid before the Senate, read third time, and passed finally by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**House Bill No. 253 Re-referred.**

Senator Wirtz moved that H. B. 253 be withdrawn from Committee on State Affairs and be referred to Committee on Public Printing.

The motion was adopted.

**House Bill No. 430 Recommitted.**

On motion of Senator Woodward H. B. No. 430 was recommitted to Committee on Educational Affairs.

**House Bill No. 299.**

The Chair laid before the Senate, on second reading,

H. B. No. 299, A bill to be entitled "An Act to amend Chapter 107, Section 3 of the local and special laws of the Thirty-fifth Legislature, regulating the method of taking or catching fish in the public fresh waters of Tom Green County, State of Texas, and providing for violations, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted. The bill was read second time and passed to a third reading.

**House Bill No. 301.**

The Chair laid before the Senate, on second reading,

H. B. No. 301, A bill to be entitled "An Act creating the Goldthwaite Independent School District in Mills County, Texas; defining its boundaries, including the present Goldthwaite Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof, or any other law or laws that may be hereafter enacted governing independent school districts created or incorporated for free school purposes only under the General Laws of this State; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the title to all school property within the boundaries herein defined shall be and is vested in the Goldthwaite Independent School District as herein created; providing that this Act shall not affect local maintenance or bond taxes; repealing conflicting laws and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 301 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 301 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

#### House Bill No. 324.

The Chair laid before the Senate, on second reading,

H. B. No. 324, A bill to be entitled "An Act amending Chapter 16 of the Local and Special Laws of the Thirty-sixth Legislature, being an Act passed at the Regular Session thereof and approved on the nineteenth day of February, 1919, and incorporating the Saratoga Independent School District and defining its boundaries; divesting the county of Hardin of the control of schools in Common School District No. 17, and fixing the same in the board of trus-

tees of Saratoga Independent School District; and providing for the assumption, etc."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 324 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 324 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

#### House Bill No. 329.

The Chair laid before the Senate, on second reading, H. B. No. 339, and Senator Strong moved that the bill be laid on the table subject to call, which motion was adopted.

**House Bill No. 354.**

The Chair laid before the Senate, on second reading,

H. B. No. 354, A bill to be entitled "An Act to amend Chapter 110, Local and Special Laws of the Thirty-third Legislature, Regular Session, being an Act entitled, 'An Act creating the Pearsall Independent School District in Frio County, Texas, etc.'"

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 371.**

The Chair laid before the Senate, on second reading,

H. B. No. 371, A bill to be entitled "An Act creating and incorporating the Eliasville Independent County Line School District lying in the counties of Young and Stephens in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Eliasville County Line District be invalidated, and declaring an emergency."

On motion of Senator Parnell the bill was laid on the table subject to call.

**House Bill No. 374.**

The Chair laid before the Senate, on second reading,

H. B. No. 374, A bill to be entitled "An Act making it lawful for the commissioners' court of McCulloch, San Saba and Lampasas Counties to pay out of the general fund of such counties bounties for the destruction of predatory animals; providing that on petition of two hundred free holders the commissioners' court of such county may provide amount of bounty; and prescribing manner of payment, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 376.**

The Chair laid before the Senate, on second reading,

H. B. No. 376, A bill to be entitled "An Act to amend Chapter 63, Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, same being an Act creating the Dixon Independent School District in Hunt County, Texas, by redefining its boundaries and by adding thereto Sections 2a, 2b, 2c, and 2d; authorizing said Dixon Independent School District to issue bonds under the provisions of the General Law for the purpose of providing funds to be expended in payment of accounts legally contracted in constructing and equipping public free school buildings in said district, or for the purpose of purchasing, constructing, repairing or equipping public free school buildings within the limits of said district and the purchase of the necessary sites therefor; validating bond issue for said purposes heretofore authorized by a majority of the property tax paying voters of said district, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 380.**

The Chair laid before the Senate, on second reading,

H. B. No. 380, A bill to be entitled "An Act creating the Paradise Independent School District in Wise County, Texas; defining its metes and bounds; vesting it with the rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas; providing for the assumption of the outstanding bonds of the Paradise Common School District, and declaring an emergency."

The Committee report, providing that the bill be not printed and with amendments, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 394.**

The Chair laid before the Senate, on second reading,

H. B. No. 394, A bill to be entitled "An Act to amend Article 1399 of the Revised Statutes of Texas, by providing that the assessor of taxes

and collector of taxes in counties having within their boundaries a city or cities, other than the county seat, having a population of 20,000 or more, may maintain a branch office in said city or cities with one or more deputies, and providing for the payment of expenses for maintaining said office."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 418.

The Chair laid before the Senate, on second reading,

H. B. No. 413, A bill to be entitled "An Act to establish and redefine and rename Common Consolidated District No. 1 of Hardeman County, Texas, to validate all elections heretofore held in said district for local taxes for the maintenance of schools in said district; to validate and assume the payment of all bonds outstanding against said district and providing that all taxes and bonds heretofore authorized by said Common Consolidated District No. 1 shall remain in full force and effect that this district as redefined and established shall be known as the Bailey High Common Consolidated District No. 1 of said Hardeman County, Texas; providing that said district shall be liable for its pro rata part of any outstanding bonded indebtedness upon a part of any territory taken from any other school district; providing that said Bailey High Common Consolidated School District No. 1, in Hardeman County, Texas, shall be under the General Laws of the State of Texas, with respect to common consolidated districts when not in conflict with this Act, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and Senator Parnell offered two amendments, being the field notes, which were adopted, and on motion of Senator Parnell the amendments were ordered not printed in the Journal.

The bill was passed to a third reading.

#### House Bill No. 415.

The Chair laid before the Senate, on second reading,

H. B. No. 415, A bill to be entitled "An Act creating and incorporating

Goodlett Independent School District in Hardeman County, Texas, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 352.

H. B. No. 352, A bill to be entitled "An Act to amend Sections 7 and 8, Chapter 19 of the Local and Special Laws of the Regular Session of the Thirty-sixth Legislature, and adding thereto Sections 8a and 8b, relating to quorum; providing for the appointment of certain officers, board of equalization, and providing for the execution of bond by certain officers of the Garwood Independent School District in Colorado County, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and laid on the table subject to call.

#### House Bill No. 126.

The Chair laid before the Senate, on second reading, called up by Senator Fairchild,

H. B. No. 126, A bill to be entitled "An Act to amend Chapter 1, Title 29, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 80, General Laws, Regular Session, Thirty-eighth Legislature, relating to the auditing of books, records and accounts of district, county and precinct officers, agents and employes and institutions maintained by the county, and declaring an emergency."

The bill was a pending amendment, introduced on the 12th instant.

After discussion the bill was laid on the table, subject to call.

#### Executive Message.

The Chair laid before the Senate the following message from the Governor:

Executive Department,  
Austin, Texas, Feb. 25, 1925.  
To the Honorable Thirty-ninth Legislature.

Gentlemen: I desire to call your special attention to the imperative condition of the docket of the Court of Criminal Appeals. There are now more than six hundred cases pending upon the docket of said court, and

the majority of said cases have not yet been submitted for lack of time of the court to hear the same.

There was never, perhaps, a more hard-working and competent court created by the State Government than the present court, but the great increase of business makes it impossible to promptly, or in any reasonable time, to consider cases coming under its jurisdiction. This court has now no more membership than it had when the Constitution was adopted forty years ago, and yet the business of the court has increased, perhaps, twenty fold. This will easily explain the present crowded condition of the court. The docket is now approximately a year behind, and with the increasing number of cases it will get farther behind if something is not done to relieve the condition. Criminals are now getting the advantage of justice not being swift as well as sure, and many cases are now appealed for delay only.

While I am generally opposed to the creation of new offices, yet I believe the people of the State want justice to the innocent and to the offender to be prompt and certain. This will cause the better enforcement of the law and more respect for the law.

I am, therefore, bringing this matter to your attention and suggest that something be done to facilitate the decisions of the court. A commission of appeals composed of two judges can be created by the Legislature with power to render decisions subject to the approval of the present court. In this way the creation of a new court, out and out, will be avoided and the expense will not be increased in any great sum.

I trust the matter will receive your early attention.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

#### Appointment of Porter.

The Chair here announced that one of the Senate porters died on yesterday, and announced the appointment of Monroe Johns as a porter.

#### House Bill No. 277.

Senator Parnell called up from the table, and the Chair laid before the Senate, on second reading,

H. B. No. 277, A bill to be entitled "An Act to provide for the issuance

of oil and gas leases on University land and continuing in force all other laws relating to the issuance of oil and gas permits and development of oil and gas on University lands, except such laws and parts of laws as may be in conflict with this Act, and declaring an emergency."

The committee report, with amendment, was adopted.

After discussion, Senator Davis offered the following amendment:

Amend H. B. No. 277, Section 2, by striking out the words "value of the" wherever they appear in Section 2.

Senator Pollard moved to recommit the bill to the Committee on Public Lands and Land Office.

#### Recess.

On motion of Senator Wood the Senate, at 12 m., recessed until 2 o'clock today.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### House Bill No. 277.

Action recurred on the consideration of H. B. No. 277.

The question being on the motion by Senator Pollard to recommit the bill and the motion to recommit was tabled.

Action recurred on the pending amendment by Senator Davis, which was adopted.

After further discussion, Senator Wood moved that the bill be laid on the table, subject to call, which motion was adopted.

#### Simple Resolution No. 49.

By Senator Davis:

Whereas, May Nettie Houston Brenghurst, the daughter of General Sam Houston, is now on the floor of the Senate; therefore be it

Resolved, That she be invited to appear before the Senate and that she be given the freedom of the Senate floor.

The resolution was read and adopted.

The Chair appointed Senators Davis, Bowers and Real to escort the visitor to the President's stand, and asked Senator Davis to present Mrs. Brenghurst to the Senate, and she addressed the Senate briefly.

**Message From the Governor.**

Austin, Texas, Feb. 19, 1925.

The Chair here laid before the Senate the following message from the Governor:

To the Members of the State Senate,  
Austin, Texas:

I hereby transmit to you the amended treaty agreed upon by the commissioners of Texas and New Mexico which amended treaty is approved by the representative of the United States, relative to the division of the waters of the Pecos River, in which matter by appointment of the Governor of this State, the State of Texas was represented by Hon. R. E. Thomason of El Paso, Texas.

It became necessary for the commissioner of this State and the commissioner of New Mexico to redraft the treaty that was on the 15th day of January, 1925, submitted to by you by Governor Neff for your consideration. I am therefore submitting this pact in lieu of the pact submitted to you on said date.

In keeping with the resolution heretofore passed by the Legislature of the State of Texas, it was agreed that if a treaty or compact as here presented was agreed upon by representatives of the two states, said compact should be submitted to the governors of the respective states and by them submitted to the Legislature for ratification; and in view of the facts stated I desire to withdraw from your consideration the compact dated December 19, 1924, and submit the one hereto attached for such action as you may deem appropriate.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor.

**PECOS RIVER COMPACT.**

The State of Texas and the State of New Mexico having resolved to enter into a compact, under the Acts of their respective Legislatures, have, through their Governors, appointed as their commissioner: R. E. Thomason for the State of Texas and Richard H. Hanna for the State of New Mexico, who, after negotiations participated in by C. T. Pease, appointed by Secretary of the Interior of the United States, as a representative of the Bureau of Reclamation, have agreed upon the following article:

**Article I.**

Present rights to the beneficial use of the water of the Pecos River and its tributaries are unimpaired by this compact, the major purposes of which are to provide for the equitable division and apportionment of the unappropriated and flood waters of the Pecos River system; to promote interstate comity; to remove causes of present and future controversies and to secure the expeditious agriculture development of the Pecos River basin by the conservation and economical distribution of the waters therein.

**Article II.**

In this compact:

a. The State of New Mexico and the State of Texas are designated respectively as "New Mexico" and "Texas" and these terms include the citizens and corporations of each State.

b. The term "Pecos River System" means the Pecos River and all of its tributaries, including springs and swamps, from its sources in New Mexico to the Kansas City, Mexico & Orient Railroad as now constructed between the towns of Alpine and Sheerwood in Texas.

c. The term "Pecos River Basin" means all the drainage area of the Pecos River system.

d. The term "Upper Basin" means that part of the Pecos River basin above and north from a due east and west line crossing the Pecos River on the boundary between Townships six (6) and seven (7) north, range twenty-two (22) east of the New Mexico principal meridian.

e. The term "Middle Basin" means that part of the Pecos River basin below and south from a prolongation of the boundary line between Townships six (6) and seven (7) north, range twenty-two (22) east of the New Mexico principal meridian to the Texas-New Mexico State line.

f. The term "Lower Basin" means that part of the Pecos River basin within the State of Texas lying above and northwest of the Kansas City, Mexico & Orient Railroad.

g. The term "domestic use" shall include the use of water for household, stock, municipal, milling, industrial railroad and other like purposes.

h. The term "Carlsbad Project" means certain tracts of land in Town-



ships twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), and twenty-six (26), south, ranges twenty-six (26), twenty-seven (27), twenty-eight (28) and twenty-nine (29) east of the New Mexico principal meridian, and all reservoirs, dams, canals, drains and other works, constructed or that may hereafter be constructed, by the United States for the reclamation, use and benefit thereof.

#### Article III.

The right to appropriate and use for irrigation and domestic purposes the natural flow of the Pecos River system in the Upper Basin shall not be limited or abridged by this compact, but no permit or permits for the construction of any additional storage reservoir or reservoirs, or for the enlargement of any existing reservoir, within the Upper Basin, having an aggregate capacity or capacities of more than ten thousand (10,000) acre feet, shall be granted by the State of New Mexico prior to the first day of January, 1940.

#### Article IV.

Within the Middle Basin New Mexico shall have in perpetuity indefeasible rights in the waters of the Pecos River system to divert and use from either or both natural flow or storage reservoirs, constructed or to be constructed, sufficient water, whenever available, for all domestic purposes and the irrigation of seventy-six thousand (76,000) acres of land.

#### Article V.

Texas shall at all times, subject to the provisions of Articles III, IV, and IX of this compact, have the right:

1. To divert all of the natural flow of the Pecos River system in the Lower Basin for domestic and agricultural purposes.

2. To build, maintain and operate a storage reservoir or reservoirs at or below what is commonly known as the Red Bluff Reservoir site, in Eddy County, New Mexico, for the use and benefit of forty thousand (40,000) acres of land in Loving, Reeves, Ward, Crane and Pecos Counties, Texas, and to store any surplus waters to which Texas may be entitled, and to acquire by purchase, prescription or the exercise of emi-

nent domain, such rights of way, easements, or lands as may be necessary for the construction, maintenance and operation of said reservoir: Provided, that said reservoir shall be constructed and in operation on or before the first day of January, 1940, and Provided further, that the construction, maintenance and operation of said reservoir shall not vest in Texas any prior, preferred or superior servitude upon or claim or right to the waters of the Pecos River in New Mexico.

#### Article VI.

All surplus water flowing in the Pecos River within the Middle and Lower Basins, over and above that required for domestic use the adequate and proper irrigation of seventy-six thousand (76,000) acres of land in the Middle Basin and forty thousand (40,000) acres of land in the Lower Basin, shall be divided equally between the signatory states. All permits issued by either New Mexico or Texas, prior to January first, 1940, for the use of the surplus waters shall specifically state that the rights granted by said permits are and shall be subservient to prior rights for seventy-six thousand (76,000) acres of land in the Middle Basin and forty thousand (40,000) acres of land in the Lower Basin.

#### Article VII.

1. Texas and New Mexico, at their joint expense, shall maintain a stream gaging station upon the Pecos River at or near Malaga, Eddy County, New Mexico, for the purpose of ascertaining the amount of surplus water flowing in said river. The location of said gaging station may, by mutual consent, be changed from year to year as conditions of the river may require.

2. The state engineer of New Mexico and the Board of Water Engineers for Texas shall make provisions for the co-operative gaging of and the details of operating said station and for the exchange and publication of records and data relative to the discharge of the river at said station.

#### Article VIII.

The use of any impounded water of the Pecos River system for the generation of electrical power shall

be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent the use for such dominant purposes.

#### Article IX.

Notwithstanding any limitations or restrictions, either expressed or implied, in this compact upon the area to be irrigated in the Middle Basin, New Mexico shall have the right on and after January first, 1940, to extend and increase the irrigated area within the Middle Basin, over and above seventy-six thousand (76,000) acres, one-fifth ( $\frac{1}{5}$ ) of an acre;

1. for each and every acre foot that the aggregate effective storage capacity of all reservoirs, now or hereafter constructed for the use of the Lower Basin shall be less than two hundred and fifty thousand (250,000) acre feet;

2. for each and every acre foot of the original capacity or capacities, of any and all, reservoirs, constructed for the use and benefit of the Lower Basin that have been or may be abandoned or unused for a period of five (5) years, or longer.

#### Article X.

Nothing in this compact shall be construed as affecting the rights of the United States of America in the waters of the Pecos River system or in the Carlsbad Project.

#### Article XI.

It shall be the duty of the state engineer of New Mexico and the Board of Water Engineers for Texas to supervise the carrying out of the provisions of this compact, within their respective states, and they may, from time to time, formulate rules and regulations for that purpose, which, when promulgated by them, shall be binding until amended or until terminated.

#### Article XII.

Whenever any official of either state is designated to perform any duty under this compact, such designation shall include the state official or officials upon whom the duties now performed by such designated official or officials may hereafter devolve.

#### Article XIII.

Should any claim or controversy arise between the signatory states: (a) with respect to the waters of the Pecos River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact; or (d) as to the construction, maintenance or operation of storage works within New Mexico for the use and benefit of Texas; the governors of the signatory states, upon the request of either one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislature of New Mexico and Texas.

#### Article XIV.

Nothing in this compact shall be construed to limit or prevent either state or the United States from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

#### Article XV.

Nothing in this compact shall be construed to affect the right to appropriate, under the laws and regulations of New Mexico and Texas, any waters that if unappropriated and unused would not contribute to the flow of the Pecos River.

#### Article XVI.

This compact may be modified or terminated at any time by mutual consent of the signatory states. In the event of such termination all rights established under it shall continue unimpaired.

#### Article XVII.

This compact shall become binding and operative when approved by the legislatures of each of the signatory states and consented to by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each state to the governor of the other state and to the President of the United States, and the President of the United States is requested to give notice to the signatory States of consent by the Congress of the United States.

In witness whereof, the commissioners have signed this compact in triplicate originals, one of which shall be deposited with the Department of the Interior of the United States and one with the governor of each of the signatory states.

Done at El Paso, Texas, this 10th day of February, A. D. 1925.

RICHARD H. HANNA,  
Commissioner for New Mexico.  
R. E. THOMASON,  
Commissioner for Texas.

Approved:

C. T. PEASE.

#### Senate Bill No. 305.

Senator Holbrook moved to take up, out of its order, S. B. No. 305, which motion was adopted, and the Chair laid before the Senate, on second reading.

S. B. No. 305, A bill to to be entitled "An Act to prohibit the doing of the Acts hereinafter recited, and to declare them to be offenses; and defining and fixing penalties for violation of the provisions of this Act, and declaring an emergency."

The bill was read second time and Senator Holbrook offered the following amendment:

Amend S. B. No. 305 by striking out all after the words "A Bill to be Entitled" and inserting the following:

An Act making it unlawful to do any of the Acts hereinafter recited, declaring them to be offenses, and defining and fixing penalties for the violation of the provisions of the Act, providing that should any article or part be held invalid it shall not effect any other article thereof, and declaring an emergency.

a. Going into or near any public place masked or disguised, and defining a public place.

b. Going masked or disguised into or near any private house, or to demand or seek entrance therein, or disturb the inhabitants thereof.

c. Going masked into any church or other place where people are assembled for religious purposes or services.

d. The acting in concert of two or more persons when masked or disguised, or the aiding or abetting by said persons of each other, and the assaulting when so in disguise by such persons of any other person, or the false imprisonment by such persons of any other person.

e. The parading of any secret society or organization, or a part of the members thereof, or other persons, when masked or disguised upon or along any public road, or any street or alley of any city or town of this State, and declaring equally guilty other members of such society who aid, abet or encourage such parading, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to go into or near any public place masked or disguised in such manner as to hide the identity of such person or render the same difficult to determine. Any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$500.00, or may be punished by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment; providing that this article shall not apply to private or public functions, festivals, or events not fostered, caused, or presented by any secret society or organization and managed or directed under the auspices of such society or organization.

Sec. 2. Any "public place" as used in the preceding article is any public road, street or alley of a town or city, or any store, garage, workshop or any place at which people are assembled or to which people commonly resort for business, amusement, or other lawful purpose, other than a church or other place where people are assembled for religious services or purposes.

Sec. 3. It shall be unlawful for any person who is masked or disguised in such manner as to hide the identity of such person or render the same difficult to determine, to go into or near any private house which is not the home of such person, or to demand or seek entrance therein, or disturb any of the inhabitants thereof. Any person so offending shall be guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for the term of not less than one year nor more than ten years.

Sec. 4. It shall be unlawful for any person masked or disguised in such manner as to hide the identity of such person or make the same difficult of determination to go into any church or other place where people are assembled for religious services or purposes. Any person so offending shall be punished by confinement in the pen-

itentiary for a term of years not less than two years nor more than ten years, provided this article shall not apply to any entertainment or service solely under the auspices of such church or religious gathering.

Sec. 5. If any two or more persons acting in concert, or aiding and abetting each other, when either or all of whom are masked, or in disguise, shall assault or shall falsely imprison any other person, each of such persons so offending shall be guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for any term of years not less than five. The terms "masked or in disguise" used in this article means that such person, by artificial means, has so changed or obscured his usual appearance as to render his identification impossible, or more difficult than it would have been if such mask or disguise had not been used.

Sec. 6. It shall be unlawful for any secret society or organization or a part of the members thereof, or for anybody or persons masked or in disguise to parade upon or along any public road of the country, or any street or alley of any city or town in this State, and all members of such society or organization so parading, or other members of such society or organization who aid, abet or encourage such parade, or any other persons engaged in such parade, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than \$500.00, or may be punished by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 7. Should any article or part of this Act be held invalid, it shall not affect or invalidate any other article or part hereof.

Sec. 8. Whereas, there are no laws now existing in Texas preventing such offenses as are defined in this Act; and whereas, the public should be protected against such acts as are in this Act made offenses; therefore, there is an emergency and an imperative public necessity for the immediate passage of this bill, and constitutional rule requiring bills to be read on three several days is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

Senator Bowers moved that the further consideration of the bill be postponed and that the amendment be printed in the Journal.

The motion was lost.

Senator Price offered the following amendment to the amendment:

Amend the amendment to S. B. No. 305, page 2, by adding to Section 3 the following: "Provided this article shall not apply to persons attending social gatherings in private homes where social customs sanction the wearing of a mask or disguise."

The amendment was read and adopted, by the following vote:

Yeas—14.

Berkeley.	Murphy.
Bowers.	Price.
Davis.	Reid.
Hardin of Kaufman	Strong.
Lewis.	Stuart.
Miller.	Witt.
Moore of Hunt.	Wood.

Nays—13.

Bailey.	Russek.
Bledsoe.	Smith.
Fairchild.	Triplett.
Holbrook.	Ward.
Parnell.	Wirtz.
Parr.	Woodward.
Real.	

Absent.

Floyd.	Moore of Cooke.
Hardin of Erath.	Pollard.

The amendment, as amended, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 305 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Smith.
Fairchild.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

## Absent.

Floyd. Moore of Cooke.  
Hardin of Erath. Pollard.

S. B. No. 305 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—26.

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

## Nays—1.

Triplett.

## Absent.

Floyd. Moore of Cooke.  
Hardin of Erath. Pollard.

## S. J. R. No. 5.

Senator Moore of Hunt called up from the table, and the Chair laid before the Senate, on second reading,

S. J. R. No. 5, A joint resolution "Amending a section of the Constitution of the State of Texas, as follows: 'Section 3 of Article 7, relating to taxation for free public school purposes and the distribution thereof, and providing free textbooks for certain scholastics,'"

Senator Moore of Hunt offered the following amendment, which was read and adopted:

Amend S. J. R. No. 5 by striking out the words "who are members of indigent and dependent families" in lines 31 and 32 on page 1.

Senator Moore of Hunt offered the following amendment, which was read and adopted:

Amend S. J. R. No. 5, page 2, line 2, by adding after the word "section" the following: "provided, that not more than five (5) cents on the one hundred (\$100.00) dollar valuation shall ever be expended for free textbooks in any one calendar year, and provided further, that the Legislature shall never appropriate funds from the general treasury of the State to supplement the free textbook funds provided herein."

The resolution was then laid on the table, subject to call.

## Senate Bill No. 279.

Senator Fairchild offered the following proposed amendment to S. B. No. 279, and the same was ordered printed in the Journal as follows:

Amend the caption of S. B. No. 279 by striking out the caption thereof and by inserting in lieu thereof the following:

## A BILL

## To Be Entitled

An Act to be known as the Motor Vehicle Title Registration Act; providing for original registration of ownership of motor vehicles, and of transfers thereof, on forms provided by the State Highway Department; providing for permanent license plates with compartment for carrying title certificates and year plates, and providing for seals with which to seal and lock said plates; providing said plates shall be furnished to the tax collectors by the State Highway Department and that said plates and title certificates shall be delivered by the tax collectors to motor vehicle owner on payment of fee of one dollar; providing for renewals for fee of ten cents; providing for dealer's license and permanent plates; providing when said number plates shall be displaced and new plates issued; providing for Motor Vehicle Title Record to be kept by tax collectors; providing for replacing license plates; requiring all persons to report theft of license plates, etc., and to report discontinuance of motor vehicle; providing for abstract of title to motor vehicles; providing how contracts for plates, seals and supplies shall be made and the prices to be paid therefor; requiring tax collectors to remit fees to the State Highway Department; providing penalties for removal of license plates, for fraudulent and malicious Acts in relation to seals, certificates and plates, for breaking and removing seals, for failing to display license plates and certificates of title; providing how license plates shall be carried and the care thereof, and providing penalty for violation; providing penalties for violation of the Act generally; repealing all laws in conflict, and declaring an emergency.

Amend S. B. No. 279 by striking

out all after the enacting clause and by inserting in lieu thereof the following:

Section 1. Original Registry of Ownership. On or before February 1, 1926, every owner or custodian of a vehicle with motor attachment, whether in operation upon the highways of this State, or in storage, shall, except as hereinafter expressly provided, file or cause to be filed in the office of the tax collector of the county of his residence, a verified application to the State Highway Department for registration and license for each and every motor vehicle owned and controlled by him, her or them, accompanied by the fees provided by law, said application to be made on forms prescribed and provided by the State Highway Department for that purpose, and which application shall contain a brief description of said motor vehicle to be registered. This description shall include the maker's name, serial number, style of body, engine number, year motor was made, horsepower given in terms used by the manufacturer, type of power, whether gas, oil or electric; and said application must also give full name and address of owner applying for license, name and address of person or persons from whom the vehicle was purchased; and it shall state whether vehicle was purchased new or second hand and give terms on which it was bought, together with amount yet unpaid; said application shall also contain the number said vehicle carried for 1925. In case the serial number, or the engine number, of any motor vehicle has been altered, defaced or obliterated, these facts shall be fully stated, giving a description of said mutilation, in which event the State Highway Department shall assign a number to said engine, which number shall be immediately stenciled on said engine by the owner thereof. In case the vehicle to be registered has been rebuilt or remodeled, and any other than the original engine placed therein, these facts shall be fully stated in the application and full description given. In every case, duplicate application blanks shall be made out, the applicant shall swear to the original and duplicate before some officer authorized under the law to take acknowledgements, and shall deliver the original and duplicate application to the tax collector of the county in which said appli-

cant resides, and it shall be the duty of said tax collector to forward the original application to the State Highway Department and retain the duplicate in his office; if the applicant has no fixed place of residence in this State, he may designate the county in which he may be at the time as his place of residence for the purpose of this Act.

Sec. 2. Registration of Transfers. On or after January 1, 1926, every person or persons whether dealer or private individual, who shall sell or trade any motor vehicle in this State, shall fill out a blank furnished for that purpose, which shall give a full description of said motor vehicle, giving the name of the person, firm or manufacturer from whom said vehicle was purchased, giving the name and address of the buyer, together with the buyer's signature in ink. This form shall be made out in triplicate, one to be retained by the vendor and two to be forwarded or delivered to the tax collector of the county in which the sale was made, one of which shall be retained by said tax collector and the other shall be forwarded by said tax collector to the State Highway Department. Every buyer of any motor vehicle, new or second hand, on or after January 1, 1926, shall fill out an application form for license or transfer of title, which form shall contain a detailed description of said motor vehicle and shall contain a sworn statement of the vendor that the party making application for license or transfer of license is the true and lawful owner of said vehicle. This form must be made in triplicate and signed by both the vendor and the buyer, and by them sworn to by some officer authorized to administer oaths; one copy of which shall be retained by the buyer and the other two copies shall be forwarded or delivered to the tax collector of the county in which the buyer resides, and it shall be the duty of said tax collector to retain one of said copies in his office and forward the other copy to the State Highway Department.

Sec. 3. Highway Department to Furnish License Plates and Seals. It shall be the duty of the State Highway Department to furnish to the tax collectors of the various counties of the State permanent license plates and title certificate holders made of such durable mate-

rial as will, with reasonable care and use, last through the life of the motor vehicle as such. Said license plates with title certificate holders shall not be less than five (5) inches in width and shall be of adequate length to properly contain the license numerals, which shall not be less than three (3) inches deep, and to contain a compartment for title certificate. Said license plates shall be so constructed that they shall provide a weather-proof container or compartment in which to carry the certificate of title and identification marks and year plate as provided by this Act. It shall be the duty of the State Highway Department to furnish to the tax collectors metal seals with which to seal and lock said plates after the insertion by the owner of certificates of title. The metal seals shall bear the name of the State and the year of issuance.

Sec. 4. Tax Collectors to Furnish License Plates. It shall be the duty of the tax collector to furnish to each applicant applying for an automobile license one of said number plates together with a certificate of title in the form prescribed by the State Highway Department, upon the payment to the tax collector of the registration and license fees required by law, and in addition thereto the sum of one dollar as a title registration fee.

Each year after said applicant has secured his number plate and certificate holder, together with his title certificate, the tax collector of the county of his residence shall furnish said applicant a renewal of said license number and certificate of title, together with a year plate of the form and style prescribed by the State Highway Department, on which shall be shown figures indicating the current year, the fee for which, in addition to the registration and license fees required by law, shall not exceed the sum of ten (10c) cents for each renewal for any one year, during the life of said license plate and certificate holder; said renewals shall be taken out on or before the first day of February of each year.

Whenever the owner of any motor vehicle shall sell or transfer the same, the party so purchasing shall apply to the tax collector of the county of his residence for a transfer of said number plate and certificate of title, and the tax collector shall thereupon issue to said purchaser a

transfer of said license plate, together with a certificate of title, upon the payment by the applicant of the sum of one (\$1.00) dollar.

The certificate of title provided for herein shall contain a complete description of the motor vehicle for which it was issued, showing the name of the maker, style, year made, serial and engine numbers, and shall also contain the name of the vendor and buyer and shall be signed by the tax collector issuing the same and the official seal of said tax collector shall be impressed thereon. On the reverse side of said certificate shall be plainly written the name of the maker of car, style, serial number, engine number and the address of the owner, and the owner shall also be required to sign his name in ink to said certificate. The form of said certificate shall otherwise be prescribed by the State Highway Department.

Sec. 5. Caution in Issuance of Title Certificates. The tax collector shall not issue any license plate or certificate of title for any vehicle sold, bought or brought into this State after January 1, 1926, unless the application for such license or certificate of transfer shall contain both the signature of the vendor and of the buyer, as hereinabove prescribed, nor where said tax collector shall have cause to doubt the legality of the sale, purchase or transfer.

Sec. 6. Dealer's License. Each dealer in motor vehicles doing business in the State of Texas shall secure from the State Highway Department, through the tax collector of the county of his residence, a license to sell such motor vehicles, and a separate license shall be secured by said dealer for every make of car handled or dealt in by him. Said dealer's license shall be issued annually in such quality, material, size and design as may be approved by the State Highway Department. Such dealer or dealers shall pay a fee of \$1.50 for each such license so issued.

Each licensed dealer shall be assigned a permanent dealer's number and shall be issued a distinctive license plate bearing such number. Every motor vehicle used by any dealer for demonstration or advertising purposes shall carry and display such dealer's license plate bearing said dealer's permanent number and license for dealing in said motor vehicle. Each dealer may be as-

signed more than one permanent number and issued license plates corresponding in number upon application to the tax collector in due form and payment of \$1.50 for each extra permanent plate so issued. It shall be unlawful for any person other than the regularly licensed dealer, his agent or representative, to operate any motor vehicle bearing such dealer's license, and no dealer, agent or representative shall operate any vehicle bearing such dealer's license, except for demonstration or advertising purposes. It shall be unlawful for any dealer to have in his possession or to offer for sale after January 1, 1926, any second-hand motor vehicle which has not been reported to and the transfer thereof registered with the tax collector, as provided in this Act.

Sec. 7. New Number Plates. The State Highway Department may, after the elapse of five years from the date of issuance and delivery of any license plate to a motor vehicle owner, discard and displace said plate and cause the owner of the motor vehicle to which the same is or should be attached to make another original title registration of said motor vehicle in the manner and form prescribed in Sections 1 and 6 of this Act; all second and subsequent original title registrations shall be required only during periods in which annual registration and license fees are required to be paid, as provided by law. In the event of a change or displacement of numbers, it shall be the duty of the State Highway Department to notify the various tax collectors before January 1 of the year in which the changes will be effective, what numbers are to be changed and displaced, and to furnish said tax collectors new number plates which shall meet the specifications herein prescribed; provided, that each person taking out a new license number plate shall be required to pay the same fee as is charged for original title registration, but no person shall be entitled to retain his old number.

Sec. 8. Motor Vehicle Title Record. Each tax collector shall be furnished by the commissioners' court of his county with well bound book or books to be known as "Motor Vehicle Title Record," in which shall be entered the license numbers in numerical order of all motor vehicles registered in his county, and the name of the

maker of said vehicle, serial number, style of body, engine number, year motor was made, name of person under whose name the motor vehicle was originally registered, date of registration, and the names of each seller and purchaser thereafter, and the date of such sale or sales, and such other information shall be entered therein as shall be required by the State Highway Department. Each tax collector shall also be provided by the commissioners' court of this county with index book or books in which shall be entered in alphabetical order the name or names of the owners of the motor vehicles registered in his county, with proper reference to motor vehicle title record. The form of these books shall be prescribed by the State Highway Department. Said motor vehicle title record and index books shall at all reasonable times be open to public inspection.

Sec. 9. No Removal of License Plate From One Vehicle to Another. It shall be unlawful for any person to place or use any license plate or number on any other vehicle than the one for which license plate and number was duly issued, or to remove from or place within any license plate any certificate of title other than the one issued for and belonging therein, and any person or persons violating any of the above provisions shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$500.00, or shall be confined in the county jail not less than one month nor more than one year.

Sec. 10. Care of License Plates. It shall be unlawful to carry any license plate and certificate holder on any motor vehicle on or below the axle, or on the chassis of said vehicle, or in any place where said plate will be unduly exposed to mud, defilement or damage. It shall be the duty of the owner and the driver to keep license plate as clean as may be possible so that all data required to be exposed to view by this Act, may be easily seen and read. Any person or persons who shall knowingly or deliberately mutilate, defile, deface or remove any such license plate from any motor vehicle shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$500.00, or shall be confined in the county jail not less than one month nor more than one year.



**Sec. 11. Replacing License Plates.** In case any license plate shall be stolen, destroyed or so damaged as to render it no longer usable, the owner or custodian of the vehicle for which it was issued, shall be issued a new license plate bearing the same numbers, upon application, in which it shall be shown under oath of the applicant on forms to be provided for that purpose, the circumstances connected with such loss or damage, which application shall be made in duplicate, one copy of which shall be retained by the tax collector and the other one shall be by the tax collector be forwarded to the State Highway Department, together with any such damaged license plate. The applicant for such new license plate shall pay to the tax collector upon receipt of such new license plate, the sum of one (\$1.00) dollar. In case any certificate of title shall be stolen, destroyed or so damaged as to render it no longer usable, the owner of the vehicle for which it was issued shall be entitled to have issued to him by the tax collector a duplicate certificate of title, upon making application to the tax collector under oath on forms to be provided for that purpose, in which the circumstances connected with such loss or damage, shall be stated, and on the return to the tax collector of any such damaged certificate of title, which affidavit shall be made in duplicate, one of which shall be retained by the tax collector and the other shall be by the tax collector forwarded to the State Highway Department. Said applicant shall pay to the tax collector the sum of fifty (\$.50) cents for said duplicate certificate of title. Said duplicate certificate shall be plainly marked "duplicate." The tax collector shall not issue any such new license plate or duplicate certificate in any case where the records of his office do not show that the party applying therefor is the record owner of the motor vehicle for which said license plate or certificate is desired.

**Sec. 12. Penalty for Fraudulent or Malicious Acts in Relation to Seals, Certificates and Plates.** Any person or persons who shall deface or remove any license plate, seal or certificate from any vehicle with intent to injure the owner or defraud the State, and any person who shall duplicate or counterfeit any certificate, seal or license plate, or year plate, shall be deemed guilty of an

offense and on conviction thereof shall be fined not less than \$100.00 nor more than \$500.00, or shall be sentenced to the State Penitentiary for a term of years not less than one nor more than five years.

**Sec. 13. Duty to Report Theft, Etc.** It shall be the duty of any person, company or firm, whether dealer or private owner to immediately report to the tax collector of his county the loss by theft, fire, accident, or any destructive force of any motor vehicle that has been registered in due form with the State Highway Department, and said tax collector shall immediately report the same to the State Highway Department by mail.

**Sec. 14. Reporting Discontinuance.** It shall be the duty of the owner or custodian of any motor vehicle bearing the license plate of the State of Texas to promptly report to the tax collector of the county of his residence, on forms to be provided for that purpose, the junking, wrecking or discontinuance of such motor vehicle as an operative machine. Said owner or custodian must remove the license plate and certificate of title from said junked or wrecked machine and return the same to the tax collector to whom said report is made, and it shall be the duty of said tax collector to report the same to the State Highway Department.

Every person shall be responsible to the State of Texas for the annual license and registration fees on every motor vehicle, the title of which is shown to be in his name on the first day of February of any year, by the records of the tax collector of any county in this State; and he shall be subject to the payment of all fines and penalties in connection with any such motor vehicle, until the transfer of title out of him has been registered as herein provided or until said car has been reported as junked or discontinued as an operative machine.

**Sec. 15. Breaking or Removing Seals.** Any person guilty of breaking or removing the seal from the plate, except he be a peace officer in pursuance of his duty, or a rightful owner opening the plate to insert his certificate of title, shall be deemed guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$500.00 and shall be confined in the county jail not less than one month nor more than one year.

It shall be the duty of each owner and of any custodian of any motor vehicle to immediately report the breaking or removal of any seal to the tax collector of his county. It shall be the duty of any peace officer, who shall break any seal in pursuance of his duties, to report said fact to the tax collector of his county on forms to be provided, detailing the circumstances under which said seal was broken. It shall also be the duty of such peace officer to give to the rightful owner of any car, the seal on which he may have broken in his efforts to verify the claims of said owner to rightful ownership, a statement in duplicate setting forth the day, hour and place where such seal was broken, together with said peace officer's name and official designation. In such case, it shall be the duty of the owner to carry one of these formal statements for his protection while he sends the other to the tax collector with an application for a duplicate seal, which shall be furnished him by the tax collector free of charge.

Sec. 16. Duty to Display License Plate. No person, firm, association, or corporation shall operate or drive any motor vehicle on the public highways of this State, unless such vehicle shall have the license plate, certificate of title, year plate and seals, as herein provided for in this Act, conspicuously displayed upon it, except tourists traveling through the State, or visitors within the State whose vehicles in either case, shall bear the license number of the current year showing they have paid their license in some other state. And further, that no such foreign car bearing such other license shall be used or operated within the State of Texas for longer than a period of three months unless registered as provided in this Act. Any person or persons operating any motor vehicle from another state within the State of Texas for a longer period than three months shall be required to make application in due form for the proper license required by law for operating a vehicle in the State of Texas.

Sec. 17. Penalty for Failing to Comply With Act. Any person failing or refusing to comply with any of the provisions of this Act or violating any of the provisions of this Act, for which no penalty is specially provided, shall, for each violation, be deemed guilty of a misdemeanor, and

on conviction thereof, shall be subject to a fine of not less than \$10.00 nor more than \$100.00 for each offense.

Sec. 18. Abstract of Title. The State Highway Department or any tax collector having a record thereof shall furnish to any person applying therefor, an abstract of title on any motor vehicle described in the request for such abstract of title, upon the party applying therefor paying to the tax collector or the State Highway Department to which said request was made, the sum of fifty (\$.50) cents. The form for said abstract of title shall be prescribed by the State Highway Department.

Sec. 19. Tax Collectors to Remit. All fees collected by the tax collectors of the State under the provisions of this Act shall be forwarded to the State Highway Department in the manner and within the time now provided or may hereafter be provided by law for remittances of usual registration and license fees. Each tax collector shall be permitted to retain as commissions for collecting the fees provided for in this Act, the same amounts as he is now or may hereafter be allowed under the law for collecting usual registration and license fees.

Sec. 20. Contracts for Seals, Plates and Supplies. No contract or agreement shall be made by the State Highway Department with any person, firm or corporation for the furnishing of any plates, tags, forms, seals, or other materials with which to operate the system of tagging, licensing, and registering motor vehicles in Texas as provided in this Act, except under the following provisions:

In all cases a bond acceptable to the State Highway Department shall be given by the contracting parties guaranteeing performance as per contract.

All plates, tags, seals, bolts, and metal that constitute the metal parts of the license and certificate carrier, must be of such material as to last for the life of the car, with reasonable care, or for such time as the vehicle on which it is originally placed may be from time to time licensed by the State. In case of the failure of any such plate or any part thereof to stand up as above provided, the contracting parties shall be bound by their contract to

furnish a new one without cost to the State or owner of the vehicle.

No contract shall be made by the State Highway Department with any person, firm or corporation for permanent license number plates, year plates and filing cards and blanks necessary to operate the system provided for in this Act at a price in excess of one (\$1.00) dollar for each car for which permanent plates are provided, and in excess of ten (10) cents per motor vehicle per year for renewal of said license numbers and certificates of title and year plates. The State Highway Department shall pay the contract price for said plates and materials to the person with whom contract is made to furnish the same, out of the funds of said State Highway Department, and shall be reimbursed by remittances from tax collectors as provided by this Act.

Sec. 21. Repealing Clause. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. The fact that Texas has no title certificate law for motor vehicles and the fact that thousands of cars are being stolen in Texas each year creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Senate Bill No. 97.

The Chair laid before the Senate, on second reading, as pending business

S. B. No. 97, A bill to be entitled "An Act to amend Article 4712, Chapter 1, Title 71 of the Revised Civil Statutes of Texas of 1911, providing for the investment of surplus money of insurance companies; and also to amend Article 4734, Chapter 2, Title 71 of the Revised Civil Statutes of Texas of 1911, prescribing and defining the securities in which the funds of life insurance companies may be invested; and also to amend Article 4776, Chapter 3, Title 71 of the Revised Civil Statutes of Texas of 1911, defining "Texas Securities" in which the "Texas Reserves" of foreign life insurance companies doing business in the State of Texas must be invested; and also to amend

Article 4811, Chapter 6, Title 71 of the Revised Civil Statutes of Texas of 1911, defining and prescribing the character of securities in which co-operative life insurance companies organized under the laws of Texas may invest their funds."

The Committee report, with amendments was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 97 put on its third reading and final passage, by the following vote:

#### Yeas—22.

Berkeley.	Price.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Smith.
Fairchild.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Wirtz.
Miller.	Witt.
Moore of Hunt.	Wood.
Parr.	Woodward.

#### Nays—4.

Bailey.	Pollard.
Murphy.	Ward.

#### Absent.

Floyd.	Parnell.
Hardin of Erath.	Real.
Moore of Cooke.	

S. B. No. 97 was laid before the Senate, read third time and finally passed, by the following vote:

#### Yeas—21.

Berkeley.	Price.
Bledsoe.	Real.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Parr.	Woodward.
Pollard.	

#### Nays—4.

Bowers.	Reid.
Murphy.	Wood.

Absent.

Floyd. Moore of Cooke.  
Hardin of Erath. Parnell.

(Pair Recorded.)

Senator Strong (present), who would vote yea; with Senator Bailey (absent), who would vote nay.

**Message From the Hounse.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

**Amended**

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of 21 and 60 years, resident within such city or town on the first day of January of each year. (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

By striking out the enacting clause.

**Amended**

H. B. No. 339, A bill to be entitled "An Act authorizing independent school districts meeting certain requirements provided herein to establish and maintain junior colleges offering two years of instruction beyond the high school grades; providing that such junior colleges shall be a part of the general public school system of this State; defining the scope of the college work as provided for herein; vesting of such junior colleges in the boards of trustees of the school districts; providing for their maintenance; prescribing the methods for the establishment of such college work and the means by which it may be discontinued: validating certain junior colleges established prior to the passage of this Act; providing that independent districts establishing and maintaining collegiate work as prescribed in this Act may receive supplemental appropriations from the general funds of the State; prescribing the amount of

such supplemental aid; making an appropriation, and declaring an emergency."

By striking out the enacting clause.

Granted the request of the Senate to return S. B. No. 335, and returns bill herewith.

H. B. No. 86, A bill to be entitled "An Act creating the Sayers Independent School District; describing the boundaries thereof; providing a board of trustees for its government; granting, supervising exemptions for it; investing it with power to make oil leases; applying General Laws to it; retaining its liabilities, assets and tax rate, and declaring an emergency."

H. B. No. 315, a bill to be entitled "An Act creating Red Ranger Common School District No. 116, in Bell County, Texas, fixing its boundaries by metes and bounds, dissolving and abolishing the old Cyclone School District No. 9, and out of a part of same by this special Act creating and establishing the said Red Ranger Common School District No. 116, situated in said county of Bell; providing for the payment of any indebtedness and bonds, and declaring an emergency."

H. B. No. 417, A bill to be entitled "An Act to amend Section 1, Chapter 70, of the Acts of the Thirty-sixth Legislature, Third Called Session, entitled 'Creating an independent school district, to be known as the Dumas Independent School District,' etc., by redefining and adding to the Dumas Independent School District all the territory now embraced in Common School District No. 1, of Moore County, Texas; and adding thereto Section 1a, divesting the said Common School District No. 1 of the control of the public free schools in said District No. 1, and investing the said Dumas Independent School District with full control of the public free schools within the limits of said independent school district, as herein defined, and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act amending Chapter 9 of the Local and Special Laws of the Thirty-third Legislature, entitled 'An Act creating the Bishop Independent School District in Nueces County, Texas, including within its boundaries the municipal corporations of the city of Bishop, and known as H. B. No. 57, by redefining the boundaries of and adding to the Bishop Independent School District certain territory lying west now embraced in Common School Dis-

trict No. 24 in Nueces County, Texas, and providing that the entire Bishop Independent School District as herein created, may by an election held for that purpose, assume and become liable for all legal indebtedness of the Bishop Independent School District as it heretofore existed; continuing in office the present trustees until the next regular trustee election; providing for election of trustees and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees full powers granted under General Laws and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to levy tax to pay current expenses for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

H. C. R. No. 19, adopting the report of the Prison Investigating Committee and demanding the resignation of certain officers.

H. C. R. No. 18, requesting the Commission of Internal Revenue, Washington, D. C., to extend time to members of the Legislature for making income tax reports.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### House Bill No. 335.

Senator Parr moved to reconsider the vote by which the Senate finally passed H. B. No. 335.

The motion was adopted.

The bill was laid on the table, subject to call.

#### House Bill No. 180.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 180 put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Fairchild.
Bledsoe.	Hardin of Kaufman.
Bowers.	Holbrook.
Davis.	Lewis.

Miller.	Smith.
Moore of Hunt.	Strong.
Murphy.	Stuart.
Parr.	Triplett.
Pollard.	Ward.
Price.	Witt.
Real.	Wood.
Reid.	Woodward.
Russek.	

Absent.

Bailey.	Moore of Cooke.
Floyd.	Parnell.
Hardin of Erath.	Wirtz.

H. B. No. 180 (passed to a third reading today) was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—26.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parr.	Woodward.

Absent.

Bailey.	Parnell.
Floyd.	Wirtz.
Moore of Cooke.	

#### Senate Bill No. 304.

Senator Holbrook moved to take up, out of its order, S. B. No. 304.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—16.

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Russek.
Fairchild.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Ward.
Holbrook.	Wirtz.
Miller.	Woodward.

Nays—12.

Bowers.	Real.
Davis.	Reid.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Murphy.	Witt.
Pollard.	Wood.

## Absent.

Floyd. Parnell.  
Moore of Cooke.

## House Bills on First Reading.

The following House Bills were laid before the Senate, read severally, first time and referred to appropriate committees:

H. B. No. 86, referred to Committee on Educational Affairs.

H. B. No. 315, referred to Committee on Educational Affairs.

H. B. No. 417, referred to Committee on Educational Affairs.

H. B. No. 450, referred to Committee on Educational Affairs.

## Special Orders.

Senator Moore of Hunt moved that S. J. R. No. 5 and S. J. R. No. 17 be made special orders for next Tuesday morning, following the already special order for that day.

The motion was adopted.

## H. C. R. No. 18.

The Chair laid before the Senate, H. C. R. No. 18, requesting the Commission of Internal Revenue at Washington, D. C., to extend time to members of the Legislature for filing income tax reports.

The resolution was read and adopted.

## H. C. R. No. 19.

The Chair laid before the Senate, H. C. R. No. 19, adopting the report of the Prison Investigating Committee, and demanding the resignation of certain officers.

The resolution was read, and Senator Bowers moved that the resolution be referred to the Committee on Penitentiaries.

Senator Witt moved, as a substitute, that the resolution be printed in the Journal and laid on the table, subject to call.

After discussion, Senator Bowers moved to table the substitute motion, which motion to table was lost, by the following vote:

## Yeas—10.

Bailey.	Parnell.
Berkeley.	Real.
Bowers.	Russek.
Fairchild.	Strong.
Holbrook.	Wirtz.
Lewis.	

## Nays—17.

Davis.	Price.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Smith.
Miller.	Triplett.
Moore of Hunt.	Ward.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woodward.

## Absent.

Bledsoe.	Moore of Cooke.
Floyd.	Stuart.

The substitute motion was then adopted, by the following vote:

## Yeas—17.

Berkeley.	Reid.
Davis.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parr.	Woodward.
Price.	

## Nays—11.

Bailey.	Pollard.
Bowers.	Real.
Fairchild.	Russek.
Holbrook.	Strong.
Lewis.	Wirtz.
Parnell.	

## Absent.

Bledsoe.	Moore of Cooke.
Floyd.	

Following is the resolution in full:  
Whereas, The joint committee heretofore appointed by the Senate and the House of Representatives to investigate the penitentiary system of the State has made reports which speak for themselves, and

Whereas, Said committee has given much time in making said investigation and the taking of testimony, and has given full and complete hearings to all parties involved, and

Whereas, Many previous investigations have revealed like deplorable conditions as found by the present committee, but little reforms or corrections have resulted therefrom because of delay and political considerations, and

Whereas, It seems that the only way to immediately improve conditions and bring about a regard for the law and the recommendations

of the Legislature by those in charge of the penitentiary system, is for the Legislature of Texas to demand the removal from the system of those most flagrantly guilty of inefficiency and misconduct; therefore be it

Resolved by the house of representatives, the Senate concurring, That the said J. A. Herring be, and he is hereby asked to resign as a member of the Board of Prison Commissioners; and be it further

Resolved, That in the event he fails or refuses to resign, he be removed from office by the Governor in the manner provided by law; and be it further

Resolved, That the Board of Prison Commissioners be, and they are hereby instructed to request the immediate resignation of the several employes named in said majority report, and that said Prison Commissioners, if any of said employes do not resign, be requested to dismiss said employes so refusing to resign; and said Board of Prison Commissioners are further requested to make report immediately to the President of the Senate and the Speaker of the House as to their action with reference to said employes; and be it further

Resolved, That a transcript of the testimony taken by the said investigating committee be furnished the Governor and the Attorney General of the State of Texas, for such use as they deem proper.

#### Proposed Amendments to S. J. R. No. 3.

Amend S. J. R. No. 3 by striking out all below the resolvent clause and substituting the following:

That Sections 2, 3, 4, 5, 24, 25 and 26 of Article 3 of the Constitution of the State of Texas shall be amended so as to read as follows:

"Section 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members, and shall never be increased above this number."

Section 3. The Senators shall be chosen by the qualified electors, and their term of office shall be four years from the day of their election."

"Section 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be four years from the day of their election."

"Section 5. The Legislature shall meet in Regular Session on the second Tuesday in January, 1927, and every two years thereafter, and at other times in special session when convened by the Governor. At the Regular Session the Legislature shall remain in session not exceeding six months."

"Section 24. The members of the Legislature shall receive from the public treasury as compensation for their services twenty-five hundred (\$2500.00) dollars for each Regular Session, and no more, and ten (\$10.00) dollars per day during each special session, and no more. In addition to such compensation such members shall be entitled to mileage not to exceed the amount of five cents per mile for railroad fare to and from the seat of government by the nearest practicable route".

"Section 25. The State of Texas is hereby divided into senatorial districts according to the senatorial re-districting Act of the Thirty-seventh Legislature which became effective April 1, 1924, being Chapter 60 of the General Laws of the First Called Session of the Thirty-seventh Legislature, and the Legislature shall re-district the State into senatorial districts at its Regular Session in 1941 and every twenty years thereafter."

"Sections 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census, by the number of members of which the House is composed; provided that no one county shall have more than two representatives in the Legislature, and the Legislature shall at the regular session in 1941 and every twenty years thereafter re-district the State into Representative Districts.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1926, at which all ballots shall have printed thereon "For the Constitutional Amendment providing for reducing the number of members of the Legislature, providing for the sessions of the Legislature, for com-

pensation and mileage of members, and for senatorial and representative districts," and "Against the Constitutional Amendment providing for membership and sessions of the Legislature, for compensation and mileage of members, and for senatorial and representative districts." Each voter who desires to vote for the amendments to the Constitution above provided for shall scratch out the clause last above quoted, leaving the language expressing his desire to vote in favor of the above amendments, and each voter who desires to vote against the amendments to the Constitution shall scratch out the clause first above quoted, leaving the language expressing the desire to vote against the above amendments.

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State. The expense of publication and election for such amendment shall be paid out of proper appropriation made by law.

Sec. 4. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of the Treasury of the State of Texas for the purpose of paying the necessary expenses of the proclamation and publication of this amendment and the election to be held hereunder.

Amend Senate Joint Resolution No. 3, by striking out all above the resolvent clause and substitute the following:

Proposing an amendment to the State Constitution reducing the membership of the House of Representatives; fixing the term of Senators and members of the House of Representatives; fixing time of convening and the duration of sessions of the Legislature; fixing the compensation and mileage of members of the Legislature; dividing the State into Senatorial Districts; and providing for the divisions of the State into Representative Districts.

#### Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing. and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 57,  
H. B. No. 217.

#### Adjournment.

On motion of Senator Bailey, the Senate at 5 o'clock p. m. adjourned until tomorrow morning at 9 o'clock.

#### APPENDIX.

##### Committee Reports.

Committee Room,  
Austin Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 308, A bill to be entitled "An Act relating to a road system for Denton County, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Parnell, Vice-Chairman; Floyd, Witt, Real, Parr, Moore of Hunt, Russek.

Committee Room,  
Austin Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 371, A bill to be entitled "An Act creating a special road law for Cottle County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and the same being a local bill, that it be not printed.

PARNELL, Vice-Chairman.

Committee Room,  
Austin Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 445, A bill to be entitled "An Act to amend Section 3, Chapter 3, Local Special Laws, Thirty-fifth Legislature, Fourth Called Session, being entitled 'An Act to create and establish the Batson Independent School District in Hardin County, Texas, and declaring an emergency.'"



Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with Committee amendment, and be not printed.

WITT, Chairman.

Committee Amendment.

1. Amend H. B. No. 445, by inserting in the caption thereof after the words "Hardin County, Texas," the following words, "and providing for the election of trustees in certain contingencies."

2. Amend H. B. No. 445, by striking out all of Section 1 and substituting in lieu thereof the following:

Section 1. That Section 3 of Chapter 3 of the Local and Special Laws passed at the Fourth Called Session of the Thirty-fifth Legislature entitled, "An Act to create and establish the Batson Independent School District in Hardin County, Texas," be and the same is hereby, amended so as to hereafter read as follows:

Section 3. The control and management of the schools of the said Batson Independent School District be and is hereby vested in a board of trustees composed of three persons, resident citizens and qualified voters in the said district, to be elected and serve as provided by General Law; provided that the present board consisting of one or more persons acting as trustees of the said Batson Independent School District are hereby authorized to continue in office as trustee or trustees of the district until the next succeeding election of trustees in independent school districts, as provided by General Law, and until their successors shall have been elected and qualified; provided, further that the three candidates receiving the largest number of votes at the said next succeeding election held hereunder shall be entitled to serve as trustees as herein provided; and at all subsequent trustee elections, the two or one candidates as the case may be, receiving the largest number of votes shall be entitled to serve as trustee or trustees for the full term for which he or they are elected; provided further that the terms of office for the three trustees chosen at the first election shall be divided into two classes and the members shall draw for the different classes, the two members drawing the numbers one and two shall serve for one year or a part there-

of, that is, until the first May thereafter and until their successors are elected and qualified; and the one member drawing the number three shall serve for two years, that is, until the second May thereafter and until his successor is elected and qualified; and regularly thereafter, on the first Saturday in May of each year, two trustees and one trustee, alternately, shall be elected for a term of two years to succeed the trustees or trustee whose term shall at that time expire.

The said district, as created by this Act, shall have and exercise and is hereby vested with all the rights, powers, privileges and duties of independent school districts incorporated under the General Laws of this State, and the board of trustees of the said district shall have and exercise all rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon the trustees of the independent school districts incorporated under the General Laws of the State, and as herein provided.

3. Amend H. B. No. 445, by the following section after Section 1 thereof and renumbering the following sections.

Section 2. In case at any time, there are as many as two vacancies in the board of trustees as constituted by the provision of Section 1, hereof, the county judge shall order an election to fill such vacancies. Such election shall be held in accordance with the General Law providing for the election of school trustees in independent school districts, except that the authority therein conferred upon the board of school trustees shall be vested in and exercised by the county judge.

Committee Room,

Austin, Texas, Feb. 25, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 383, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Harris County, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 384, A bill to be entitled "An Act creating the Mumford Independent School District of Robertson County, Texas, as is included by the field notes as follows: Defining its boundaries; vesting it with the rights, powers, duties and privileges of a district incorporated for school purposes under the General Law; providing for a board of trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 428, A bill to be entitled "An Act to create the Palava Independent School District in Fisher County, Texas, including therein the present Palava Independent School District No. 43; providing a board of trustees therefor, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 49, A bill to be entitled "An Act changing the boundaries of the Chireno Independent School District in Nacogdoches County, as created by an Act of the Thirty-fifth Legislature at its Regular Session, as printed in the Local and Special Laws of the Regular Session of the Thirty-fifth Legislature on page 207, and amended by an Act of the

Thirty-sixth Legislature at its Regular Session, as printed on page 132, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 380, A bill to be entitled "An Act creating the Orange Independent School District in the county of Orange, State of Texas; defining its boundaries; providing for the addition of contiguous territory, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 378, A bill to be entitled "An Act creating the Lasara Independent School District in Willacy County, Texas; defining its boundaries; etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 377, A bill to be entitled "An Act creating the Willamar Independent School District in Willacy County, Texas; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 36, A bill to be entitled "An Act to repeal Article 7160, Chapter 2, Title 124 of the Revised Civil Statutes of 1911 as amended by Chapter 69, General Laws of the Regular Session of the Thirty-third Legislature, approved March 31, 1913, which Article provides that an unrecorded brand on animal shall not be evidence of ownership thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 153, A bill to be entitled "An Act to exempt the county of Culberson from the provisions and operations of Articles 7256 to 7304, inclusive, of Chapter 7, Title 124, of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 381, A bill to be entitled "An Act amending Articles 2425, 2428, 2429, 2431, and 2433 of the Revised Civil Statutes of 1911 as amended by Chapter 34 of the General Laws of the Regular Session of the Thirty-eighth Legislature relating to depositories, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOLLBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. N. 235 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 97 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 305 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred.

S. J. R. No. 12, A resolution "Proposing an amendment to Sec. 4, of Article 15, of the Constitution of Texas so as to authorize the Senate to modify or remove the disqualification of any person disqualified from holding any office of honor, trust or profit under this State by judgment of impeachment."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred.

S. J. R. No. 17, A resolution "Proposing to amend Section 3, Article 7, of the Constitution of the State of Texas, to eliminate the provision that the State Board of Education shall set aside a sufficient amount out of the State taxes to provide free text books for the use of the children attending the public schools; and providing that the commissioners' courts of the several counties may provide free text books for needy children attending the public schools."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

#### Bills Ordered Printed in the Journal.

Committee Room,  
Austin, Texas, Feb. 25, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 12, relating to Texas Pioneer Days, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

WIRTZ, Chairman.

Following is the resolution in full:

#### PROVIDING FOR TEXAS PIONEER'S DAY.

Mr. Williamson offered the following resolution:

H. C. R. No. 12, relating to Texas Pioneer Day.

Be it resolved by the House of Representatives, the Senate concurring, That the 12th of August of each year hereafter shall be designated and observed as Texas Pioneer's Day, and the Governor of Texas shall issue a proclamation at least

thirty days in advance of such date each year, in which he shall call upon the people of the State of Texas to assemble in mass meetings preferably to be held in the open air and in the form of Pioneer's picnics and Old Settlers' Reunions and similar celebrations, to do honor to the memory of the heroic pioneers who by their sacrifices and hardships converted the primeval wilderness into the great empire of peace and plenty which we today enjoy; be it further

Resolved, That the purpose of these celebrations shall be patriotic and educational, to preserve the traditions and memories of pioneer days, and in nowise of a political, sectarian or partisan nature; be it further

Resolved, that the State Association of Pioneers is hereby requested to assume the initiative in the organization of Pioneer Day celebrations each year and to prepare and circulate suitable programs for the observance of the same; be it further

Resolved, That nothing in this resolution shall be construed to make Texas Pioneer Day a legal holiday.

Committee Room,  
Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 381,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

#### IN MEMORIAM.

Senator Holbrook presented the following memorial and read the same to Senate:

James B. Stubbs—Robert Gould Street.

Mr. President and Gentlemen of the Senate:

Mindful of a debt of gratitude I owe to the memory of two of my distinguished predecessors in this Senate, and remembering the love which a grateful people bore them, I rise to speak the homage of our

affections, and to render a tribute of praise to the worth and works of these gifted statesmen

Each of them having been born in Alabama at a time when the spirit of the Old South had reached the flower of its perfection, James B. Stubbs and Robert Gould Street settled on the shores of Texas in the morning hours of the life of this imperial domain.

One of them came to Galveston with his parents, in infancy, a little while prior to the mighty conflict between the states of this union, the other a short time after the smoke of battle had cleared away. One gained his inspiration, and, in a large way, his education, while a soldier in the ranks of the immortal Lee, the other matriculated as a law student in the University over which Lee presided the very year in which that peerless leader fell asleep.

Both of them became outstanding figures in the city of their adoption, and the history of this commonwealth will, to generations yet unborn, reflect the high character of service which they rendered to the State and Nation.

Judge Street came to the Senate in early manhood, just after the present constitution was adopted. He did his part in those stirring days of reconstruction, with a sympathy and understanding which marked the highest type of the Confederate soldier. The best traditions of the Old South were shot through his very soul, and the characteristics of a cavalier predominated in all relations of life. He was educated without prudery; simple in his habits, but without ostentation; and withal one of the kindest men in my recollection.

Judge Stubbs was elected to the Senate in 1880 at the age of 30, and was at the time its youngest member. He developed into a lawyer of great ability, and for more than forty years he had few equals and no superiors as a pleader at the bar in Texas. His death, following so soon after that of our beloved Street, reminds me that the last survivor of the old Galveston bar, except Judge Norman G. Kittrell now a member of the House from Harris County, has passed to the shores of life and light eternal. Judge Stubbs was not only a lawyer of the higher mould, but was a profound student

of the law. It held a fascination for him. He sensed the legal principles involved in every proposition submitted to him and diligently investigated every available source of authority and discussion from the earliest to the latest judicial expressions, for the reason, the meaning and application of the rule in question. His zeal and prodigious energy were never satisfied until he had explored and exhausted the vast treasure house of authorities. His arguments before the courts, presented with a genius of expression, cogency of reasoning and comprehension of analogy, principle and precedent, and withal his simplicity and modesty, have seldom been surpassed. He loved the law as he loved justice, and he demonstrated in his practice the justice and humanity of the law. He was a harmonizer, and his affability and fairness eliminated much of the bitterness that litigation frequently engenders. In native ability and erudition and in presentation he was worthy of the best traditions of the profession and the peer of any lawyer in this broad land.

He was at all times a champion of our state constitution and of our constitutional rights, and he fearlessly opposed every attack upon them and viewed with grave concern the tendency of the times to encroach upon the constitutional rights reserved to the states and the centralization of power in the federal government, as impairing the virtue and perpetuity of both state and federal constitutions.

His practice was varied and encompassed almost the entire field of the law. He never refused a worthy cause or withheld his aid from a worthy client for mercenary reasons. Mere financial gain was not the paramount purpose in his practice. His fairness, courtesy and kindness to his professional brothers and to opposing clients and witnesses and his respect for the dignity of the court and the majesty of the law were characteristic of him.

His love and encouragement for the young lawyers was beautiful and proverbial, and I say it with affectionate remembrance. He sought the young lawyer's advice on questions of law that he might give confidence and encouragement. His

courtesy and kindly consideration to the young lawyer gave new courage and new hope.

Richly endowed by nature with the gifts and graces which make for success in his chosen profession, he added to his natural ability the power that comes with a thorough education, constant study and great industry, for he was a prodigious worker. His voice was always sweetly tuned and his language was chaste and of purest diction. He was a literary scholar and an able orator. He was an idealist who realized his ideals in his daily intercourse. He believed in the fatherhood of God and the brotherhood of man, and was a kin to all that was good on earth. His sympathetic understanding of human nature and of men and his praise for their virtues and achievements, his forgiveness of the frailties and foibles of mankind endeared him as a brother to all who knew him. He was unselfish and generous to a marked degree and a gentleman of the old southern type, and, though as gentle as a woman, was a man of unflinching courage.

Good government and perpetuity of sound democracy was his sole political aim. He sought no political glory or public office for himself, and, except for his service in the Senate, and as chairman of the democratic executive committee, he never held an elective office. His efforts were always for the best interests of the people whom he loved so well.

He was a loyal Galvestonian, and to him the skies of his island home were bluer than Italian skies, her sunlight was brighter and her air more balmy than those of any other place on earth, and he rejected many opportunities that offered wealth and a broader field of honor and fame that he might live and labor for and among the people of Galveston whom he knew and loved.

James B. Stubbs and Robert Gould Street have journeyed hence, to join that band of great patriots, whose memories are enshrined in the history and tradition of the people of Texas. They were each laid to rest by the side of Willie Ballinger, Jack Mott and others of those noble characters with whom they were associated in life. There, by the sea they loved so well, they bide their last long sleep; and in the language of the deathless words of Blaine, "Let us hope that their weary eyes

caught a mystic meaning which only the wrapt and parting soul may know—let us believe that, in the silence of the receding world, they have heard the great waves break upon a farther shore, and have felt already upon their wasted brows, the breath of an eternal morning."

Following the reading of the above, Senator Holbrook moved that the same be printed in the Journal, which motion was unanimously adopted, by a rising vote.

### THIRTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, February 26, 1925.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Floyd. Moore of Cooke.

Prayer by Dr. Owers.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

### Bills and Resolutions.

By Senator Davis:

S. B. No. 389, A bill to be entitled "An Act prohibiting the establishment and maintenance of cemeteries near incorporated towns or cities and declaring the same to be a nuisance."

Read first time and referred to Committee on Public Health.